

U.S. Patent Application Serial No. 10/709,435  
Amendment filed November 13, 2006  
Reply to OA dated August 10, 2006

**REMARKS:**

Claims 1-5 and 7-9 are currently being considered, none of which have been amended herein.

Claims 10-18 have been canceled herein without prejudice or disclaimer as to their subject matter.

Applicants and Applicants' attorney thank Examiner Chan for the interview courteously granted September 11, 2006. The special attention the Examiner paid to the instant application is noted with appreciation. Items discussed during the interview include: the Office Action dated August 10, 2006 and claims 17 and 18 of the subject application.

**I.** In the Office Action dated August 10, 2006, the Examiner has objected to claim 16 because of an informality.

Applicants respectfully submit that this objection is moot, because claim 16 has been canceled herein without prejudice or disclaimer as to its subject matter. Thus, this objection to claim 16 should be withdrawn.

**II.** In the Office Action dated August 10, 2006, the Examiner has provisionally rejected claims 1-5 and 7-9 under the judicially created doctrine of obviousness-type double patenting as obvious over claim 1 of co-pending US Patent Application Serial No. 10/709,629 in view of US Patent No. 6,680,536 (Hattori '536).

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Applicants respectfully traverse this provisional rejection, for the following reasons.

This rejection is not an actual obviousness-type double patenting rejection. To the contrary, this rejection is merely a provisional obviousness-type double patenting rejection.

Importantly, the provisional obviousness-type double patenting rejection will evaporate if a patent containing allowed claims does not issue on Application Serial No. 10/709,629. In other words, this provisional rejection may be obviated by future events.

The Examiner should not require any action by Applicants on this issue until a time when Application Serial No. 10/709,629 actually issues as a patent.

It is permissible for the merits of a provisional rejection to be addressed by the Applicants without waiting for Application Serial No. 10/709,629 to issue as a patent, but Applicants are not required to do so until a time when Application Serial No. 10/709,629 actually issues as a patent.

In view of the above, Applicants respectfully request that the Examiner hold this provisional rejection in abeyance until a time when Application Serial No. 10/709,629 actually issues as a patent. If Application Serial No. 10/709,629 goes abandoned and never issues as a patent, the provisional

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rejection should evaporate.

**III.** In the Office Action dated August 10, 2006, the Examiner has rejected claims 10-12, 15, and 16 under 35 USC 102(a) as anticipated by Hattori '536.

Applicants respectfully submit that this rejection is moot, because claims 10-12, 15, and 16 have been canceled herein without prejudice or disclaimer as to their subject matter. Thus, this rejection of claims 10-12, 15, and 16 should be withdrawn.

**IV.** In the Office Action dated August 10, 2006, the Examiner has objected to claims 13 and 14 as being dependent upon a rejected base claim.

Applicants respectfully submit that this objection is moot, because claims 13 and 14 have been canceled herein without prejudice or disclaimer as to their subject matter. Thus, this objection to claims 13 and 14 should be withdrawn.

In view of the aforementioned amendments and accompanying remarks, it is respectfully submitted that all claims currently being considered are in condition for examination.

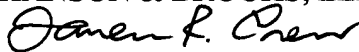
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If, for any reason, the Examiner has any questions or concerns regarding this paper, the Examiner is requested to contact the Applicants' undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, the Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due now or in the future with respect to this application, to Deposit Account No. 01-2340.

Respectfully submitted,

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